

# Congress of the United States

Washington, DC 20510

February 2, 2024

The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, DC 20016

Dear Secretary Mayorkas,

In light of recent action by the State of Florida, we urge the Department of Homeland Security to pursue rulemaking under the *Real ID Act* to ensure that Florida driver licenses and Federal identification documents remain consistent and in line with the purpose of Real ID.

This past week, Florida Highway Safety and Motor Vehicles (FLHSMV) eliminated one's ability to update their gender on their driver license. Forcing Floridians to carry driver licenses that may not correspond to their gender is in direct conflict with the stated purpose of the *Real ID Act*: "to make our identity documents more consistent and secure." It will create confusion when one's Florida driver license and one's Federal identification, like a passport, list two different genders and will increase tension and delays in already stressful situations like traffic stops and airport security. It will also lead to unnecessary detentions and unlawful arrests.

The FLHSMV's directive, sent on January 26<sup>th</sup> to County Tax Collectors, the agencies that issue driver licenses in Florida, rescinds guidance that allowed these agencies to issue new driver licenses to licensees who wished to update the gender noted on their license. This new directive also boldly and erroneously asserts that gender is "a synonym for 'sex,' which is determined by innate and immutable biological and genetic characteristics." It ends with a threat to trans drivers: "misrepresenting one's gender, understood as sex, on a driver license constitutes fraud...and subjects an offender to criminal and civil penalties, including cancellation, suspension, or revocation of his or her driver license..."

Also last week, *Florida House Bill 1639* was voted favorably out of committee. This bill strikes the word "gender" from the list of required displayed identifiers on a Florida driver license and replaces it with "sex." It defines "sex" as "the classification of a person as either male or female based on the organization of the human body of such person for a specific reproductive role as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth." This will likely mean the invalidation of trans, gender-nonconforming, and other Floridians' driver licenses.

Currently, Florida driver licenses qualify as *Real ID Act* compliant. If the above-described revisions are allowed to stand in Florida, and similar provisions are allowed to stand in other states, they will undoubtedly continue to spread, creating more confusion and inconsistency while severely hampering Americans' ability to travel, including LGBTQ+ American's ability to leave states that are hostile to their existence.

The Department of Homeland Security has the power to prevent this. By May 2025, all states' driver licenses must be *Real ID Act* compliant to be used to proceed through airport security. Not being *Real ID Act* compliant would be inconceivable for an economically dynamic state like Florida.

Therefore, we strongly urge the Department of Homeland Security to pursue rulemaking under the *Real ID Act* that would include, but not be limited to, requiring one's gender/sex identifier on compliant state identification to match the gender on one's Federal identification documents. If there are any other avenues through which this discrimination can be combatted, we encourage the Department to pursue those as well.

Respectfully,



Maxwell Alejandro Frost  
Member of Congress



Lois Frankel  
Member of Congress



Darren Soto  
Member of Congress



Debbie Wasserman Schultz  
Member of Congress



Frederica S. Wilson  
Member of Congress



Kathy Castor  
Member of Congress



Jared Moskowitz  
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Sheila Cherfilus-McCormick  
Member of Congress